

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 15-22 and 24-35 are pending, claim 23 being cancelled.

New independent claim 29 is based on allowable claim 16. New independent claim 31 is based on allowable claim 18.

New dependent claim 33 is based on allowable claim 21, and depends from claim 15.

Applicants acknowledge that formal drawings will be required upon allowance of the case.

A replacement abstract is attached.

The specification has been amended as to form responsive to the noted objections. Page 7, line 22 has been amended to indicate reference to Figure 5 (vice Figure 4).

Claims 15-28 stand rejected as indefinite.

The claims have been amended to remedy the stated basis of rejection. Accordingly, withdrawal of the rejection is solicited.

Applicants acknowledge with appreciation that claims 16, 18-19, and 21-22 are indicated to be directed to allowable subject matter.

Claims 15, 17, 20, 23, and 28 stand rejected as anticipated by OKAWA et al. 4,579,549.

Claims 24-27 stand rejected as obvious over OKAWA et al.

The anticipation rejection is not believed to be viable. Claims 24-27 are believed allowable at least for depending from an allowable independent claim.

As to OKAWA et al., the Official Action seems to be stating that the recitation concerning "for at least the majority of said pairs of adjacent rings (2) the nominal value of said play is zero, whereby said nominal value of zero is realised by positive and negative amounts of play between said pairs of adjacent rings (2)" is inherent to OKAWA et al. More specifically, the Official Action (page 5, paragraph 9) states that OKAWA et al. teach having clearances between the abutted rings, and that "[t]herefore, it is apparent that there exist a small mutual play with a nominal value of zero between each adjacent ring."

Applicants disagree.

Applicants acknowledge that the prior art recognizes play between adjacent rings, and that the prior art teaches that this play may assume one of a positive or a negative value. See Figure 5 of OKAWA et al. as well as Figure 8 of SUZUKI et al. (EP 0 922 884). SUZUKI et al. was cited in the IDS already reviewed.

OKAWA et al. teaches to adopt a small, but negative, amount of play between each of the pairs of adjacent rings.

Other references, e.g., SUZUKI et al., teach to adopt a small, but positive, amount of play between each of the pairs of adjacent rings. See also, e.g., RUSH 4,787,961.

Thus, some references teach negative play and some teach positive play.

However, none of the prior art, i.e., in particular OKAWA et al., teach that recited, i.e., for at least the majority of pairs of adjacent rings, realizing a nominal zero value of play by positive and negative amounts of play between the pairs of adjacent rings. No reference teaches or suggests using **both** positive **and** negative amounts of play between the pairs of adjacent rings in order to realize a nominal zero value of play..

Thus, the prior art does not suggest the configuration recited by the pending claim 15. In view of the prior art not teaching that optimum play of nominal zero can be achieved by adopting **both** positive and negative amounts of play between the respective pairs of adjacent rings in a ring set, claim 15 is believed both novel and non-obvious.

This is a departure from the prior art practice of making the play as close to nominal zero by reducing the numerical value thereof, but still using only positive (SUZUKI et al.) or only negative (OKAWA et al.) amounts of play in the ring set.

This is a costly approach as very narrow manufacturing tolerances must be adhered to in order to get satisfactory results.

In contrast, the structure of the present invention allows considerable manufacturing deviations (tolerances) and thus provides a significant improvement in the art.

For the above reasons, claim 15 is believed patentable. Reconsideration and allowance are respectfully requested.

The invention further provides insight that the innermost ring and the outermost ring of the nested rings are subjected to higher loads than the intermediate rings. Claims 17 and 20 address this.

The Official Action states that "it is apparent that the play between the innermost pairs of adjacent rings are of a negative value and that of the outermost pairs of adjacent rings is of a positive value." Applicants again respectfully disagree. OKAWA et al. teaches that all play values are the same for a ring set and, beyond this, makes no teaching as to particular values for the innermost pairs or outermost pairs.

As to the obviousness of claims 24-27, the Official Action states that it is obvious to change the size of a belt. However, the reliance on Rose is misplaced. The claims do not merely recite changing a belt size but rather recite the belts within the nest being of different thicknesses as between the individual belts. Rose is silent as to this proposition.

Secondly, the reliance of *In re Leshin* is also misplaced as there is no suggestion of varying the material as between individual rings such that the thicknesses would vary.

If varying the size (thickness) of rings or materials with a nested set of rings is known within the skill, prior art making this of record should be provided. Otherwise, the absence of such art strongly suggests that varying the size (thickness) and/or elasticity modulus is non-obvious.

Therefore, these dependent claims are also believed to be patentable in their own right.

Reconsideration and allowance of all the pending claims are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Application No. 10/088,118
Amdt. dated December 19, 2003
Reply to Office Action of August 27, 2003
Docket No. 2002-1002

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- amended Abstract of the Disclosure

ABSTRACT OF THE DISCLOSURE

The present invention relates to a A belt for use in a continuously variable transmission, in particular for automotive application, comprising includes at least one set of nested metal rings, the set interacting with transverse elements provided slidably along the set, and the rings of the set being accommodated with small mutual play between each pair of adjacent rings, characterized in, that where for at least the majority of said the pairs of adjacent rings the nominal value of said play is zero.